

**Statement of the Honorable Fred Upton**  
**Chairman, Committee on Energy & Commerce**  
**May 4, 2011**  
**Subcommittees on Environment and the Economy and on Energy & Power**  
**Joint Hearing on**  
**“Nuclear Regulatory Commission and its role in meeting U.S. energy Needs”**

Mr. Chairman, I commend you and Chairman Whitfield for holding this joint hearing.

I welcome all the Commissioners who join us this morning and your able and highly dedicated staff who accompany you today. Despite your frustrations, you should know that your nation appreciates your service.

NRC must ensure nuclear power plants and the other facilities under its watchful eye are built and operated safely and securely. At the same time, the NRC must ensure the entities it regulates can provide the energy we rely on today and will need tomorrow. Safety, security, and economic success all depend on each other.

For more than 30 years the NRC with its collegial Commission structure has met that challenge fairly consistently. Commissioners have hailed from both political parties and a wide variety of professional backgrounds. And the staggered terms have ensured there is always a good mix of veteran Commissioners and fresh new perspectives to address the many challenging policy issues the Commission is charged with managing.

This collegial structure has given us confidence that policy decisions made by the Commission, which often have safety and economic implications for decades or longer, are not subject to the passing political whims of a single Administrator or even a single President.

However, I am concerned that the deliberative process necessary for the NRC to develop its independent and technical judgments may be breaking down. And that has profound implications for the public trust in NRC’s policymaking.

After a quarter century of active involvement in nuclear energy policy, both oversight and legislation, I have developed an appreciation for the NRC’s independent judgement on important technical and safety matters. I have never asked a Commissioner to vote a particular way and, frankly, I would never even suggest that I could or should influence how you vote on any matter, because that is your job and I respect your expertise. But as your authorizing Committee chairman I want to know that the trains are running on time and all crew are on board.

The NRC should appropriately serve as an independent strong watchdog – actually a pitbull – to ensure safe nuclear power. It should have all the tools necessary so there is no chance of a Monday morning quarterbacking down the road.

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But, it should not be so deliberate that it prevents any nuclear development due to unreasonable costs and delays.

The industry needs to know the rules and when they comply; they are able to move forward.

We also need to constructively deal with long-term nuclear waste. Simply shutting the doors on the already spent \$12 billion for Yucca is not acceptable, especially with no other alternatives.

We'll explore these and other concerns during today's hearing and beyond. We will not let up until our oversight duties are fulfilled and either the Commission convinces us that it is operating the way Congress intended or we change the law to ensure that it does.

Thank you, Mr. Chairman, and I yield back my time.